

FILED
JUL 31 2008
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

KIRSTIN M. AULT (CABN 206052)
Assistant United States Attorney

450 Golden Gate Ave., P.O. Box 36055
San Francisco, California 94102
Telephone: (415) 436-6940
Facsimile: (415) 436-7234
kirstin.ault@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SARKIS MADJARIAN,)
ARTASHES TER MKRTICHYAN, and)
SERGE ZADIKIAN,)
)
Defendants.)
)

No. CR 08-00307 MHP

STIPULATION AND ~~PROPOSED~~
PROTECTIVE ORDER RE: DISCOVERY
OF PERSONAL AND FINANCIAL
INFORMATION

With the agreement of the parties, and with the consent of the defendant, the Court enters the following order:

Defendant Serge Zadikian is charged with one count of conspiracy, in violation of 18 U.S.C. §371; thirteen counts of bank fraud, in violation of 18 U.S.C. § 1344; four counts of aggravated identity theft, in violation of 18 U.S.C. §1028A; and one count of access device fraud, in violation of 18 U.S.C. §1029. Upon request, the United States will produce to counsel for the defendant discovery that contains personal identifying information, including social security numbers, birth dates and driver's license numbers, and private financial information, including account numbers and locations, pertaining to the victims in this case. Pursuant to Federal Rule of

PROTECTIVE ORDER
[CR 08-00307 MHP]

1 Criminal Procedure 16, the government requests that disclosure of these materials be subject to
2 the following restrictions:

3 1. Except when being actively examined for the purpose of the preparation of the
4 defense of defendant Serge Zadikian, the documents containing personal identifying and private
5 financial information of third parties produced by the government to defense counsel ("private
6 documents") shall be maintained in a locked, safe, and secure office, drawer, cabinet, or safe
7 which is accessible only to defense counsel, employees of his or her law firm who are working
8 with him or her to prepare the defendant's defense, and his or her investigator. Defense counsel,
9 members of his or her law firm, the defendant, and the investigator shall not permit any person
10 access of any kind to the private documents or disclose in any manner the personal identifying
11 and private financial information of third parties except as set forth below.

12 2. The following individuals may examine the documents and information related to
13 the personal identifying and private financial information of third parties for the sole purpose of
14 preparing the defense of defendant Serge Zadikian and for no other purpose:

- 15 a) Counsel for defendant;
16 b) Employees of the counsel for the defendant's law office who are assisting
17 with the preparation of Serge Zadikian's defense;
18 c) Defendant Serge Zadikian and third-party fact witnesses, but only in the
19 presence of defense counsel or another authorized person listed in this
20 paragraph;
21 d) Investigators or experts retained by the defendant or his counsel to assist in
22 the defense of this matter.

23 If defense counsel determines that additional persons are needed to review the material, he or she
24 must obtain a further order of the Court before allowing any other individual to review the
25 material.

26 3. A copy of this order shall be maintained with the documents at all times.

27 4. All individuals other than defense counsel and the defendant who receive access
28 to the materials pursuant to this Order, prior to receiving access to the materials, shall sign a copy

1 of this Order acknowledging that

- 2 a) they have reviewed the Order;
- 3 b) they understand its contents;
- 4 c) they agree that they will only access the documents and information for the
- 5 purposes of preparing a defense for defendant Serge Zadikian;
- 6 d) they understand that failure to abide by this Order may result in sanctions
- 7 by this Court.

8 Counsel for the defendant shall promptly file signed copies of the Order, ex parte and under seal.

9 The government shall have no access to these signed copies without further order of the District
10 Court.

11 5. No other person may be allowed to examine the material without further court
12 order. Examination of the documents shall be done in a secure environment which will not
13 expose the materials to other individuals not listed above.

14 6. Documents such as word processing files, e-mails, and other text files may be
15 duplicated to the extent necessary to prepare the defense of this matter.

16 7. Any pleadings that reveal the personal identifying or private financial information
17 of third parties, either by attaching copies of documents containing that information or
18 referencing that information, shall be redacted to prevent the disclosure of such information or
19 filed under seal.

20 8. Within five court days of the judgment and sentencing hearing in this matter, or
21 dismissal of the charges, all private documents provided to defense counsel pursuant to this
22 Order, and all other authorized copies, if any, shall be returned to the Government. The
23 Government shall destroy them. If defendant believes that he must maintain the material for any

24 ///

25 ///

26 ///

27 ///

28 ///

JUL-17-2008 10:53 From:US ATTORNEY

4154367234

To:4154366982

07/17/2008

10:03

LAW OFFICE 214 DUBOCE SF → 4367234

NO.286

0002

1 reason related to appeal, defendant must seek authorization from the District Court within ten
2 days of the filing of a judgment in this matter.

3
4 STIPULATED:

5
6 DATED: 7/17/08

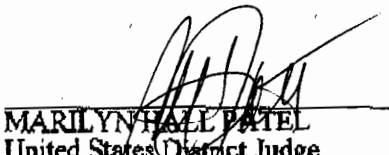
7 
MARK ROSENBUSH
Attorney for Defendant Ter Mkrtichyan

8
9 DATED: _____

10 KIRSTIN M. AULT
Assistant United States Attorney

11
12 IT IS SO ORDERED that disclosure of the above-described discovery materials shall be
13 restricted as set forth above.

14
15 DATED: 7/30/08

16 
MARILYN HALL PATEL
United States District Judge

17
18
19
20
21
22
23
24
25
26
27
28
PROTECTIVE ORDER
[CR 08-00307 MHP]